



ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

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Department of Water Resources
P.O. Box 942836
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Ms. Patti Idlof
Bureau of Reclamation
2800 Cottage Way, MP-150
Sacramento, CA 95825,

Subject: Comments on NOP and NOI for the Bay Delta Conservation Plan EIR/EIS

Ms. Brown and Ms. Idlof,

Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7 Water Agency, or Zone 7) submits this letter in response to the March 17, 2008 Notice of Preparation and Notice of Intent to prepare an Environmental Impact Report (EIR)/Environmental Impact Statement (EIS) for the Bay Delta Conservation Plan (BDGP).

Zone 7 Water Agency - State Water Project Contractor. Located in the Bay Area, Zone 7 is one of the 29 local and regional member agencies of the State Water Contractors, which was formed under the laws of the State of California for the purpose of contracting for water from the State Water Project (SWP). Collectively, the State Water Contractors deliver SWP water to 25 million people, roughly two-thirds of California's population, and more than 750,000 acres of California's most productive farmland.

Zone 7 is the regional wholesale water supplier and groundwater manager for the region's businesses and approximately 200,000 residents in eastern Alameda County. Zone 7 also provides untreated State Project water to agricultural customers. Viticulture dominates the area's agriculture and, including tourism and related benefits, is considered a \$200 million per year industry. Because 80% of our water supply is conveyed through the Delta, the future of our communities is dependent on the reliability and the increasingly efficient use of the SWP supply, on improvement of the quality of the SWP water delivered to Zone 7, as well as on continued development and protection of local groundwater resources and other water supplies, and expanded conservation efforts.

Critical Time for Action. California is facing a critical time for action. The backbone of California's water supply system, the Delta, is broken. The existing through-Delta conveyance system has proven detrimental to fisheries and water supplies alike. Various factors are thought to play a role in the rapid decline of these fish, including ocean conditions,

Delta water exports, and Bay and Delta ecological factors such as toxics and invasive species. The significant change in population of these species is a warning sign that current Delta and SWP management strategies are not working. Long-term fixes to the Delta have a new urgency in light of federal court rulings by Judge Wanger that reduced and may further reduce Delta water supply deliveries to the East and South Bay in 2008 and beyond, while state and federal agencies attempt to address water system operations in light of concern about the endangered Delta smelt, salmon, and other fish species.

The aging Delta levees also do not afford Californians the necessary flood protection to ensure our health and safety; a major failure of the levees would have consequences that would be felt statewide – not only could millions of acres of homes, businesses and agricultural lands be flooded, but critical water supplies for the Bay Area and southern California could be seriously affected or even eliminated.

Given the environmental and legal stressors on water supply, in conjunction with an already fragile Delta ecosystem and infrastructure, Zone 7 supports the intentions of the BDCP – to secure authorizations that would allow the conservation of covered species, the restoration and protection of water supply reliability, protection of certain drinking water quality parameters, and the restoration of ecosystem health to proceed within a stable regulatory framework.

EIR/EIS Methodology. The following points are specific to the forthcoming BDCP EIR/EIS. These recommendations are meant to help ensure a comprehensive and complete analysis, and a document that complies fully with the policies and intent of the California Environmental Quality Act (CEQA) and the National Environmental Protection Act (NEPA).

- The analysis should use best available and accepted/tested science wherever possible. Scientific uncertainties should be documented and disclosed to the public.
- The EIR/EIS must equally and comprehensively consider water supply and conveyance, water quality, ecological restoration and management, and flood protection.
- Give thoughtful consideration to an appropriate "Project Area" for ecological restoration planning and impacts analysis. Given the complex ecosystem and water supply infrastructure of the Delta region, the Project Area in the EIR/EIS may necessarily include areas outside of the legal Delta boundary in order to minimize impacts and maximize results of the BDCP.
- The BDCP should consider a wide range of possible restoration and conservation activities aimed at improving ecological conditions, including those resulting from the Delta pumps as well as from other non SWP-related and CVP-related activities (e.g., agricultural and municipal discharges that can adversely impact Delta water quality, especially related to drinking water uses).
- The EIR/EIS should comprehensively address ecological issues, including pelagic organism decline, salmon decline, invasive species, and pollutants (both toxics and nutrients).

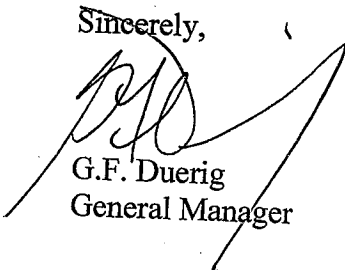
- DWR should actively engage Delta land and water users (individuals and organizations) as a source of information about past and future Delta water use, levees, and ecology.
- The EIR/EIS should recognize that the historic Delta estuary cannot be recreated – millions of acres of agriculture, housing, recreational areas, wildlife areas, and water supply facilities are now well established. A full “restoration” is not realistic.

Coordination Between Agencies is the Prudent Approach. There is no time to wait to proceed with the BDCP. However, prudent coordination with other Delta planning efforts is imperative for the long-term success of the BDCP. Of particular note, on April 24, a public hearing was convened by the Central Valley Regional Water Quality Control Board (CVRWQCB) concerning a basin plan amendment for methyl and total mercury in the Sacramento-San Joaquin Delta. Several agencies provided public comment, including the Department of Water Resources (DWR), and specifically identified the BDCP as a planning effort with which the CVRWQCB should coordinate because a basin plan amendment of this nature could have implications on Delta projects such as levee improvements and wetlands restoration.

Request for Responsible Agency/Non-Federal Cooperating Agency Status. Finally, Zone 7 is requesting to be identified as a Responsible Agency pursuant to CEQA for the development of the BDCP EIR/EIS. We also request designation as a non-federal cooperating agency under NEPA. As a SWP Contractor with facilities located near the Harvey O. Banks Delta Pumping Plant, Zone 7 can provide expertise in the areas of water supply reliability, drinking water quality, identifying reasonable alternatives and evaluating significant impacts.

Thank you for this opportunity to comment on the BCDP EIR/EIS process. We are encouraged by what we have seen thus far, and are excited about the prospects for a long term solution for Zone 7 and for California.

Sincerely,



G.F. Duerig
General Manager